



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/884,231 | 06/19/2001 | Richard E. Auerbach | 1039-68477 | 5169 |

27879 7590 05/10/2005
INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS, IN 46204-2033

EXAMINER

TUGBANG, ANTHONY D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

| | | | |
|--------------------------|------------------------|---------------------|--|
| Interview Summary | Application No. | Applicant(s) | |
| | 09/884,231 | AUERBACH ET AL. | |
| | Examiner | Art Unit | |
| | A. Dexter Tugbang | 3729 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) A. Dexter Tugbang, Examiner. (3) ____.
- (2) Sanders Hillis, for Applicant(s). (4) ____.

Date of Interview: 09 May 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: ____.

Claim(s) discussed: 1 and 28.

Identification of prior art discussed: EP'434 and JP'196.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


A. DEXTER TUGBANG
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Art Unit: 3729

Attachment to Interview Summary

The examiner reiterated to the applicant(s) that the After Final Amendment filed on 4/8/05 was not entered in its entirety, inclusive of the arguments presented therein, due to the change in Claim 28 that narrowed the scope of the claims and required further consideration by the examiner.

However, the applicant(s) requested clarification as to how the prior art was applied in the Final Rejection (mailed on 1/14/05). The applicant(s) discussed the arguments presented in their response filed on 4/8/05 (pages 8-10).

Regarding Claim(s) 1, the applicant(s) asserted that EP'414 does not teach "weaving the wrapped thread at a selected location in the cloth" (line 3). The applicant(s) placed a great deal of emphasis on the term "in" (line 3) and believed that because EP'414 teaches that the threads (fibers 11) are on top of the cloth, or are attached to the cloth in a manner that would be "on" top of the cloth, not "in" the cloth.

The examiner disagreed to the extent that the claimed "thread" was read as anyone of fibers 11 and that these threads 11 are wrapped with multiple conductors 12a, 12b to form a conductor 20, which is woven in the cloth (shown in Fig. 7C). The examiner position is that EP'434 shows that the conductor 2 is woven "in" the cloth 1 because of the corrugations between the conductor 2 and the cloth 1 (either in Figs. 6B or 5B) where the conductor 2 not only sits on top of the cloth 1, but is also sits "in" the recesses formed by the corrugations of the cloth 1. So the examiner maintains that EP'434 fully reads on Claim 1.

Regarding Claim(s) 1 and 28, the applicant(s) asserted that JP'196 does not teach a "thread of a cloth" (lines 1-2 of Claim 1 with similar limitations in Claim 28), because the

Art Unit: 3729

applicant(s) believe that the claimed "thread" cannot possibly be read as a conductor, but can only be read as a thread that is not electrically conductive and is the material that forms the cloth. The applicant(s) noted that JP'196 only shows the thread (in Fig. 6) and that the conductors are not wrapped around the thread (of Fig. 6).

The examiner most respectfully disagreed. The examiner noted that the claims do not recite as to whether the "thread" has to be conductive or non-conductive. Furthermore, the examiner noted that what was shown in Fig. 6 of JP'196, was not read as the claimed "thread". In JP'196, what was read as the claimed "thread" was anyone of the flat conductors 29a (in Fig. 7), as these are wrapped and formed as part of the cloth. The examiner further noted that the preamble of the claims recited the open-ended transitional phrase of "comprising", which would not exclude any other elements of JP'196 from being read as the claimed "thread" and that anyone of the flat conductors 29a can be read as the thread since these conductors 29a are woven and serve as part of the cloth SH. Therefore, the examiner maintains the rejection of JP'196 as applied in the Final Rejection (dated 4/8/05).

The examiner noted to the applicant(s) that the amendment to Claim 28 proposed in the After Final amendment filed on 4/8/05, particularly that the thread is "non-conductive", appears to overcome JP'196 and EP'434.

With respect to the Petition pursuant to 37 C.F.R. 1.144 filed on 4/8/05, the examiner noted that the decision on the Petition was a matter decided on by the Technology Center Group Director and that a decision would be forthcoming within the next few weeks.